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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,439	08/10/2001	Yasuhiro Kitakami	N9450.0024/P024	4109
24998	7590	03/29/2005	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L Street, NW Washington, DC 20037			CHEN, TIANJIE	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/925,439	KITAKAMI, YASUHARU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tianjie Chen	2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 March 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-3 and 5-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3 and 5-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 20050303.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## ***Final Rejection***

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 6, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Morioka et al (JP 2-276057).

Claim 1, Morioka shows a disk reproducing apparatus in Figs. 1-8 including: a main body having a front panel; a frame 1 which is pushed out from or drawn into the main body through the front panel; a disk tray for mounting a plurality of disks which is rotatably attached to the frame; and an optical pick-up unit 25 (Column 12, lines 6-8) for reproducing or recording data from or in a disk; wherein an optical pick-up portion of the optical pick-up unit is located between a rotation center of the disk tray and the front panel of the main body when the frame is drawn into the main body for reproducing or recording data from or in the disk.

Claim 6, Morioka et al further the optical disk pick-up unit 25 includes a turn table 25a which holds and rotates a disk, and wherein when the frame is drawn into the main body, an optical pick-up portion of the optical pick-up unit is located on the main body with an angle of 90 degrees, the angle being formed by a line from a rotation center of the disk tray to a rotation center of the turn table in a reproducing position of the optical pick-up unit, and a line drawn horizontally from the rotation center of the disk tray to a midpoint of the front panel of the main body.

Claim 10, Mariana et al further shows that the optical disk pick-up unit 25 includes a turn table 25a which holds and rotates a disk, and wherein when the frame is drawn into the main body, an optical pick-up portion 25b of the optical pick-up unit is located on the main body with an angle of 90 degrees, the angle being formed by a line from a rotation center of the disk tray to a rotation center of the turn table in a reproducing position of the optical pick-up unit, and a line drawn horizontally from the rotation center of the disk tray to a midpoint of the front panel of the main body.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 3, 5, 7-9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mariana et al.

Claims 2, 3, 5, 7-9, and 11-13; Mariana et al shows a disk reproducing apparatus as described above, wherein an optical pickup is used (Column 11, lines 6-9), but fails to show a plurality of output terminals attached to a rear panel of the main body, the output terminals include terminals for different signals; and the disk tray supports a DVD.

However it would have been obvious and notorious to one of ordinary skill in the art to find that the apparatus has a plurality of output terminals attached to a rear panel of the main body, the output terminals include terminals for different signals; and the disk tray supports a DVD. The rationale is as follows: in Mariana et al's

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device, an optical pickup is used, which can be used for optical disk, and DVD is an optical disk and is also a commonly used optical disk, no obstacle was found in the disclosed structure, which prevents the use of a DVD disk. One of ordinary skill in the art would have been motivated to include DVD as the optical disk used in this device. It is also a common and notorious practice that the device has at least two terminals, one for signal and one for ground; and at least two signals included; for example, one for controller and one of information; and the information signal can further have one for video and one for audio.

***Response to Arguments***

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

And also Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 03/03/2005 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on Flexible.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TIANJIE CHEN  
PRIMARY EXAMINER